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Atty. Dkt. No. 041194-0108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Birgit C. HOFMANN
Title: NEW GUINEA IMPATIENS PLANT NAMED
'FISUPNIC BURG'
Appl. No.: 10/829,216
Filing Date: April 22, 2004
Examiner: Wendy C. HAAS
Art Unit: 1661

PETITION UNDER 37 C.F.R. § 3.81(b)

MAIL STOP: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Applicant, through the undersigned attorney, hereby petitions the Commissioner to issue the allowed above-captioned application to the Assignee:

FLORFIS AG, BINNINGEN, SWITZERLAND

2. Applicant paid the Issue Fee and Publication Fee for this application on May 20, 2005. A copy of the date-stamped filing receipt evidencing filing of same is attached herewith. Applicant incorrectly listed the Assignee location on the Form PTOL-85 as SWEDEN rather than SWITZERLAND.

3. A copy of the Notice of Recordation of Assignment Document dated October 21, 2004, is attached herewith, together with a copy of the Form PTO-1595 and the Assignment originally filed on April 22, 2004. The Notice of Recordation of Assignment Document indicates that the Assignment was recorded on April 22, 2004, at Reel 015262, Frame 0074.

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130.00 DP

002.1401881.1

3. Under 37 C.F.R. § 1.17(i), a check for the statutory filing fee of \$130.00 is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Date May 27, 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
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Respectfully submitted,

Richard C. Peet
By Reg No. 34,717

for Richard C. Peet
Attorney for Applicant
Registration No. 35,792



FOLEY & LARDNER LLP
ATTORNEYS AT LAW

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IN THE US PATENT AND TRADEMARK OFFICE

Receipt is hereby acknowledged of the following:

Applicant: Birgit C. HOFMANN Docket No. 041194-0108
Serial No.: 10/829,216 Filing Date: April 22, 2004
Examiner: Wendy C. HAAS Art Unit: 1661
For: NEW GUINEA IMPATIENS PLANT NAMED 'FISUPNIC BURGY'

Submission:

1. Issue and Publication Fees Transmittal (1 pg.); and
2. Form PTOL-85(B) (1 pg.) with Check No. 43311 for \$1,400.00.

File in Mailroom

Date Filed: May 20, 2005
Due Date: May 24, 2005



Return To: RCP/nan
Inspected by: L. Ben

LB



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCTOBER 21, 2004

PTAS



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FOLEY & LARDNER LLP
RICHARD C. PEET
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, DC 20007-5143

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/22/2004 ✓

REEL/FRAME: 015262/0074
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOFMANN, BIRGIT CHRISTA ✓

DOC DATE: 04/07/2004 ✓

ASSIGNEE:

FLORFIS AG ✓

PARKSTRASSE 33

4102 BINNINGEN, SWITZERLAND ✓

SERIAL NUMBER: 10829216 ✓

FILING DATE: 04/22/2004 ✓

PATENT NUMBER:

ISSUE DATE:

TITLE: NEW GUINEA IMPATIENS PLANT NAMED FISUPNIC BURGY ✓

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DIANE RUSSELE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

04-29-2004

Atty. Dkt. No. 041194-0108

FORM PTO-1595 (modified)

(Rev 6-93)

RE

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PATENTS ONLY

SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

To the Director, of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

Birgit Christa Hofmann



2. Name and address of receiving party(ies):

Florflis AG
Parkstrasse 33
4102 Binningen
Switzerland17858 U.S. PTO
10/829216

Additional conveying party(ies)

NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

April 7, 2004

Additional name(s) & address(es) attached?

NO

4. Application number(s) or patent number(s):

101829216

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

Richard C. Peet
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☒ Check Enclosed

Charge to deposit account

8. Deposit account number: 19-0741

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Richard C. Peet

Name of person signing

Signature

April 22, 2004

Date

Total number of pages including cover sheet, attachments, and document: 3

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ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor (hereinafter referred to as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Florfis AG
Parkstrasse 33
4102 Binningen
Switzerland

(hereinafter ASSIGNEE) its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions in and to this invention relating to

IMPATIENS PLANT NAMED 'FISUPNIC BURGY'

as set forth in this United States Patent Application

Check
one

☒ executed concurrently herewith
☐ executed on _____
☐ Serial No. _____ Filed

and

as well as in and to (a) all improvements and modifications of the above-identified invention or inventions, (b) the above-identified application and all other applications for Letters Patent of the United States for above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative

proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of **Foley & Lardner LLP** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Foley & Lardner LLP** do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

NAME AND SIGNATURE OF INVENTOR

NAME: BIRGIT C. HOFMANN SIGNATURE: [Signature] DATE: April 07, 2004

NAME AND SIGNATURE OF WITNESSES

NAME: Ingrid Wickel SIGNATURE: [Signature] DATE: April 7, 2004

NAME: Chr. Kirst SIGNATURE: [Signature] DATE: April 07, 2004

Note: *Prima facie* evidence of execution may optionally be obtained by execution before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.